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SENATE BILL 464

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY  
Gay G. Kernan

AN ACT

RELATING TO SEX OFFENDERS; PROHIBITING SEX OFFENDERS WHO ARE  
REQUIRED TO REGISTER FROM RESIDING WITHIN THREE HUNDRED FEET OF  
AN EXTERIOR BOUNDARY OF A SCHOOL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Sex Offender Registration  
and Notification Act is enacted to read:

"[NEW MATERIAL] SEX OFFENDER RESIDENCE NEAR SCHOOLS  
PROHIBITED.--

A. A sex offender who is registered or required to  
register pursuant to the provisions of the Sex Offender  
Registration and Notification Act shall not establish a  
residence or live in a shelter, halfway house or transitional  
living facility that is within three hundred feet of an  
exterior boundary of a school.

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1           B. For the purposes of this section, all  
2 measurements taken to determine the location of the residence,  
3 shelter, house or facility in relation to a school shall be the  
4 straight line distance from the property line of the school to  
5 the property line of the residence, shelter, house or facility.

6           C. As used in this section, "school" means a public  
7 school, parochial school, private school, charter school or  
8 licensed daycare center or preschool or property that is used  
9 for school purposes, but "school" does not mean a post-  
10 secondary school."

11           Section 2. Section 29-11A-7 NMSA 1978 (being Laws 1995,  
12 Chapter 106, Section 7, as amended) is amended to read:

13           "29-11A-7. NOTICE TO SEX OFFENDERS OF DUTY TO  
14 REGISTER.--

15           A. A court shall provide a sex offender convicted  
16 in that court with written notice of his duty to register  
17 pursuant to the provisions of the Sex Offender Registration and  
18 Notification Act. The written notice shall be included in  
19 judgment and sentence forms provided to the sex offender. The  
20 written notice shall inform the sex offender that he is  
21 required to:

22                   (1) register with the county sheriff for the  
23 county in which the sex offender will reside or, if the sex  
24 offender will not have an established residence, with the  
25 county sheriff for each county in which the sex offender will

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1 live or be temporarily located pursuant to the provisions of  
2 the Sex Offender Registration and Notification Act;

3 (2) not reside, live or be temporarily located  
4 within three hundred feet of an exterior boundary of a school  
5 pursuant to the provisions of the Sex Offender Registration and  
6 Notification Act;

7 [~~(2)~~] (3) report subsequent changes of address  
8 pursuant to the provisions of the Sex Offender Registration and  
9 Notification Act;

10 [~~(3)~~] (4) notify the county sheriff of the  
11 county he resides in if the sex offender intends to move to  
12 another state and that the sex offender is required to register  
13 in the other state pursuant to the provisions of the Sex  
14 Offender Registration and Notification Act;

15 [~~(4)~~] (5) disclose his status as a sex  
16 offender in writing when he begins employment, begins a  
17 vocation or enrolls as a student at an institution of higher  
18 education in New Mexico to the county sheriff for the county in  
19 which the institution of higher education is located and to the  
20 law enforcement entity and registrar for the institution of  
21 higher education pursuant to the provisions of the Sex Offender  
22 Registration and Notification Act;

23 [~~(5)~~] (6) provide written notice of any change  
24 regarding his employment, vocation or enrollment status at an  
25 institution of higher education to the county sheriff, the law

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1 enforcement entity and the registrar pursuant to the provisions  
2 of the Sex Offender Registration and Notification Act;

3 [~~(6)~~] (7) disclose his status as a sex  
4 offender in writing when he enrolls as a student at a private  
5 or public school in New Mexico, to the county sheriff for the  
6 county in which the school is located and to the principal of  
7 the school pursuant to the provisions of the Sex Offender  
8 Registration and Notification Act;

9 [~~(7)~~] (8) provide written notice of any change  
10 regarding his enrollment status at a public or private school  
11 in New Mexico to the county sheriff and the principal of the  
12 school pursuant to the provisions of the Sex Offender  
13 Registration and Notification Act;

14 [~~(8)~~] (9) disclose his status as a sex  
15 offender in writing to his employer, supervisor or other person  
16 similarly situated, when he begins employment, begins a  
17 vocation or volunteers his services, regardless of whether the  
18 sex offender receives payment or other compensation, pursuant  
19 to the provisions of the Sex Offender Registration and  
20 Notification Act; and

21 [~~(9)~~] (10) read and sign a form that indicates  
22 that the sex offender has received the written notice and that  
23 a responsible court official, designated by the chief judge for  
24 that judicial district, has explained the written notice to the  
25 sex offender.

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1           B. The corrections department, a municipal or  
2 county jail or a detention center at the time of release of a  
3 sex offender in its custody, shall provide a written notice to  
4 the sex offender of his duty to register, pursuant to the  
5 provisions of the Sex Offender Registration and Notification  
6 Act. The written notice shall inform the sex offender that he  
7 is required to:

8                   (1) register with the county sheriff for the  
9 county in which the sex offender will reside or, if the sex  
10 offender will not have an established residence, with the  
11 county sheriff for each county in which the sex offender will  
12 live or be temporarily located pursuant to the provisions of  
13 the Sex Offender Registration and Notification Act;

14                   (2) not reside, live or be temporarily located  
15 within three hundred feet of an exterior boundary of a school  
16 pursuant to the provisions of the Sex Offender Registration and  
17 Notification Act;

18                   [~~(2)~~] (3) report subsequent changes of address  
19 pursuant to the provisions of the Sex Offender Registration and  
20 Notification Act;

21                   [~~(3)~~] (4) notify the county sheriff of the  
22 county he resides in if the sex offender intends to move to  
23 another state and that the sex offender is required to register  
24 in the other state pursuant to the provisions of the Sex  
25 Offender Registration and Notification Act;

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1                    [~~(4)~~] (5) disclose his status as a sex  
2 offender in writing when he begins employment, begins a  
3 vocation or enrolls as a student at an institution of higher  
4 education in New Mexico to the county sheriff for the county in  
5 which the institution of higher education is located and to the  
6 law enforcement entity and registrar for the institution of  
7 higher education pursuant to the provisions of the Sex Offender  
8 Registration and Notification Act;

9                    [~~(5)~~] (6) provide written notice of any change  
10 regarding his employment, vocation or enrollment status at an  
11 institution of higher education to the county sheriff, the law  
12 enforcement entity and the registrar pursuant to the provisions  
13 of the Sex Offender Registration and Notification Act;

14                    [~~(6)~~] (7) disclose his status as a sex  
15 offender in writing when he enrolls as a student at a private  
16 or public school in New Mexico, to the county sheriff for the  
17 county in which the school is located and to the principal of  
18 the school pursuant to the provisions of the Sex Offender  
19 Registration and Notification Act;

20                    [~~(7)~~] (8) provide written notice of any change  
21 regarding his enrollment status at a public or private school  
22 in New Mexico to the county sheriff and the principal of the  
23 school pursuant to the provisions of the Sex Offender  
24 Registration and Notification Act;

25                    [~~(8)~~] (9) disclose his status as a sex

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1 offender in writing to his employer, supervisor or other person  
2 similarly situated, when he begins employment, begins a  
3 vocation or volunteers his services, regardless of whether the  
4 sex offender receives payment or other compensation, pursuant  
5 to the provisions of the Sex Offender Registration and  
6 Notification Act; and

7 [~~(9)~~] (10) read and sign a form that indicates  
8 that the sex offender has received the written notice and that  
9 a responsible corrections department official, designated by  
10 the secretary of corrections, or a responsible municipal or  
11 county jail official or detention center official has explained  
12 the written notice to the sex offender.

13 C. A court, the corrections department, a municipal  
14 or county jail or a detention center shall also provide written  
15 notification regarding a sex offender's release to the sheriff  
16 of the county in which the sex offender is released and to the  
17 department of public safety.

18 D. The department of public safety, at the time it  
19 is notified by officials from another state that a sex offender  
20 will be establishing residence in New Mexico, shall provide  
21 written notice to the sex offender of his duty to register  
22 pursuant to the provisions of the Sex Offender Registration and  
23 Notification Act."

24 Section 3. APPLICABILITY.--The provisions of this act are  
25 applicable to a sex offender who changes his residence or

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1 location to New Mexico or within New Mexico on or after July 1,  
2 2007.

3 Section 4. EFFECTIVE DATE.--The effective date of the  
4 provisions of this act is July 1, 2007.

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